CALIFORNIA COASTAL COMMISSION
South Coast Area Office
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Long Beach, CA 90802-4302
(562) 590-5071

Filed:	3/20/06
49th Day:	5/08/06
180th Day:	9/16/06
Staff:	Al Padilla-LB
Staff Report:	4/17/06
Hearing Date:	5/10-12/06
Commission Action:	

W19.e

STAFF REPORT: MATERIAL AMENDMENT

APPLICATION NUMBER: 5-04-086

APPLICANT: Alan Johnson

AGENT: William James

PROJECT LOCATION: 4040 Bluff Place, San Pedro

DESCRIPTION OF PROJECT PREVIOUSLY APPROVED: Addition of approximately 771 square feet, 19 feet high, to the ground floor and a 700 square foot basement to an existing one-story 2,026 square foot single-family residence.

DESCRIPTION OF PROPOSED AMENDMENT: Addition of a second story and increase the height of the roof of the residential addition from 19 feet to 19 feet 9 inches (as measured from existing grade).

SUBSTANTIVE FILE DOCUMENTS: San Pedro certified LUP, with suggested modifications; Coastal Development Permit No. 5-91-728(Gaudaur), 5-94-185 (Hantzis).

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed development with the proposed amendment is consistent with the requirements of the Coastal Act.

Procedural Note: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

1) The Executive Director determines that the proposed amendment is a material change,
2) Objection is made to the Executive Director's determination of immateriality,

In this case, the Executive Director has determined that due to expressed concerns from a neighbor regarding this amendment, there is the potential for a filed objection; therefore, the amendment has been scheduled as a material amendment.

I. STAFF RECOMMENDATION:

Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION: I move that the Commission approve the proposed amendment to Coastal Development Permit #5-04-086-A1 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit amendment for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/ or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternative that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Interpretation. Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.

4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant proposes to amend the Commission approved permit for the construction of a 771 square foot, 19 foot high (as measured from existing grade) one-story addition to the first floor, and a 700 square foot basement to an existing 2,026 square foot, one-story single-family residence by adding a second story within the approved building envelope and increasing the height of the addition from 19 feet to 19 feet- 9 inches (as measured from existing grade).

The proposed project site is located on a coastal bluff top lot, on the southwest side of Bluff Place in the San Pedro community of the City of Los Angeles. The area is residentially developed with single-family residences adjacent to the property along the bluff and multi-family residential development inland of Bluff Place.

The lot measures approximately 50 to 75 feet wide by 210 feet deep. Beginning at the street the property is relatively flat for a distance of 120 feet, where the property descends 100 feet to the beach below. The existing single-family residence is setback approximately 25 feet from the bluff edge. An existing patio extends from the residential structure to the bluff edge.

The proposed addition will be located landward of the existing residence, and will be approximately 62 feet from the bluff edge.

The original project was approved with special conditions requiring: 1) conformance with geologic and soil recommendations; 2) an assumption of risk deed restriction, and 3) recordation of a deed restriction against the property, referencing all of the Standard and Special Conditions contained in this staff report.

B. Visual Resources

Section 30251 of the Coastal Act states in part that:

> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The proposed project site is located on a coastal bluff top lot, on the southwest side of Bluff Place in the San Pedro community of the City of Los Angeles. The surrounding area is residentially developed with single-family residences adjacent to the property along the bluff and multi-family residential development inland of Bluff Place. Existing residential development in the area ranges from one to two stories in height, with heights varying from approximately between 16 to 25 feet.

The certified LUP limits heights of new residential structures to 26 feet, as measured from average natural grade, with appurtenant structures such as, chimneys, railings, vents, solar panels, and antennae, allowed to extend higher. Residential building heights are further limited to 24 feet within designated scenic corridors or view sites.

The original residential addition was designed and approved by the Commission as a one-story addition with vaulted ceilings and a height of 19 feet, as measured from the existing level grade (because the site has been developed for over 90 years, and natural grade could not be determined, existing grade was used to measure height). According to the applicant, during construction, the plans were modified to add nine inches to the height to provide larger ceiling beams and to allow room for roof insulation. The redesigned plan was also modified from one-story to two stories. Because of the originally designed vaulted ceilings, the building envelope did not significantly change with the second story addition, except for the added height of nine inches. The applicant also included four skylights that extend approximately one foot above the highest point of the roof, to approximately 20 feet- 11 inches.

The South Coast District office received a call from a resident that lives in a four-unit condominium building immediately across the street from the project site. The resident expressed concern regarding the increase in the roof height and impact to views from his residence. Although the construction of the project is inconsistent with the Commission's

approved plan and requires Commission approval, which is being addressed by this amendment, the issue of view interference from the neighbor's residence is a private view issue and is not an issue that the Commission has addressed under the Coastal Act.

The project site is not within a public view corridor or scenic site, and will be within the 26-foot height limit as established in the San Pedro Land Use Plan. The increase in height of the roofline from 19 feet to 19 feet- 9 inches, and modifying the addition from one story to two stories, will not be a significant change to the overall height of the structure, or appearance, and will not have an adverse impact on any public views. The project as amended will continue to be consistent with the character of the surrounding area. The Commission, therefore, finds that the project will be consistent with the view protection policies of the Coastal Act and the certified LUP, will not adversely impact the visual resources of the surrounding area, and therefore, is consistent with Sections and 30251 of the Coastal Act.

C. Unpermitted Development

During construction of the permitted development the applicant constructed a second story within the envelope of the one-story addition and modified the height of the structure by nine inches. Although unpermitted development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Action on the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a Coastal permit.

D. Local Coastal Program

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. On September 12, 1990, the Commission certified, with suggested modifications, the land use plan portion of the San Pedro segment of the City of Los Angeles' Local Coastal Program. The proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 of the Coastal Act.

E. California Environmental Quality Act.

There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as submitted, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

VICINITY MAP

5-04-086

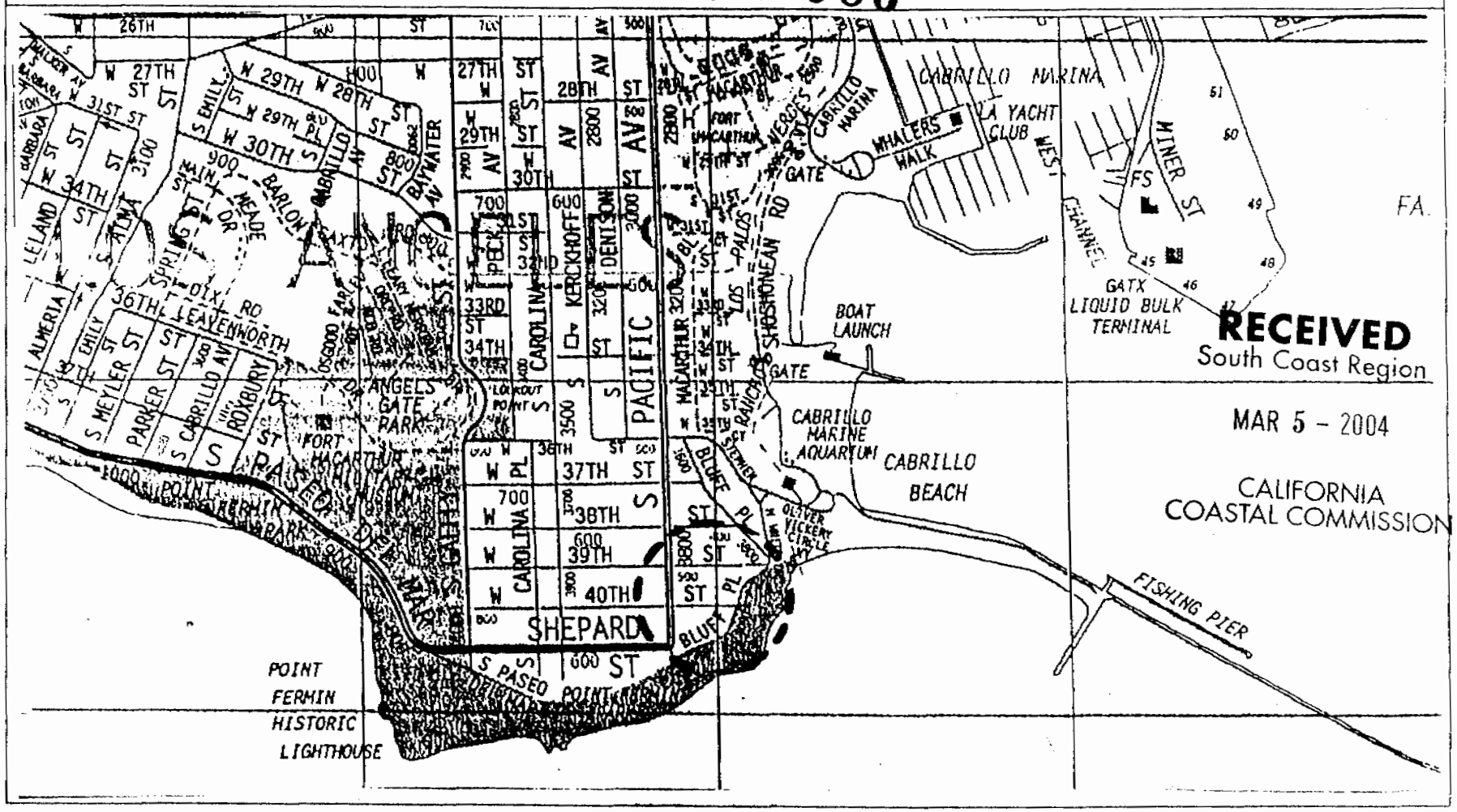


EXHIBIT NO. 1

Application Number

5-04-086 A1

Vicinity Map

California Coastal Commission

View Enlarged Map | View Printing Instructions

County of Los Angeles: Rick Auerbach, Assessor

7467 | 25

SCALE 1" = 80'

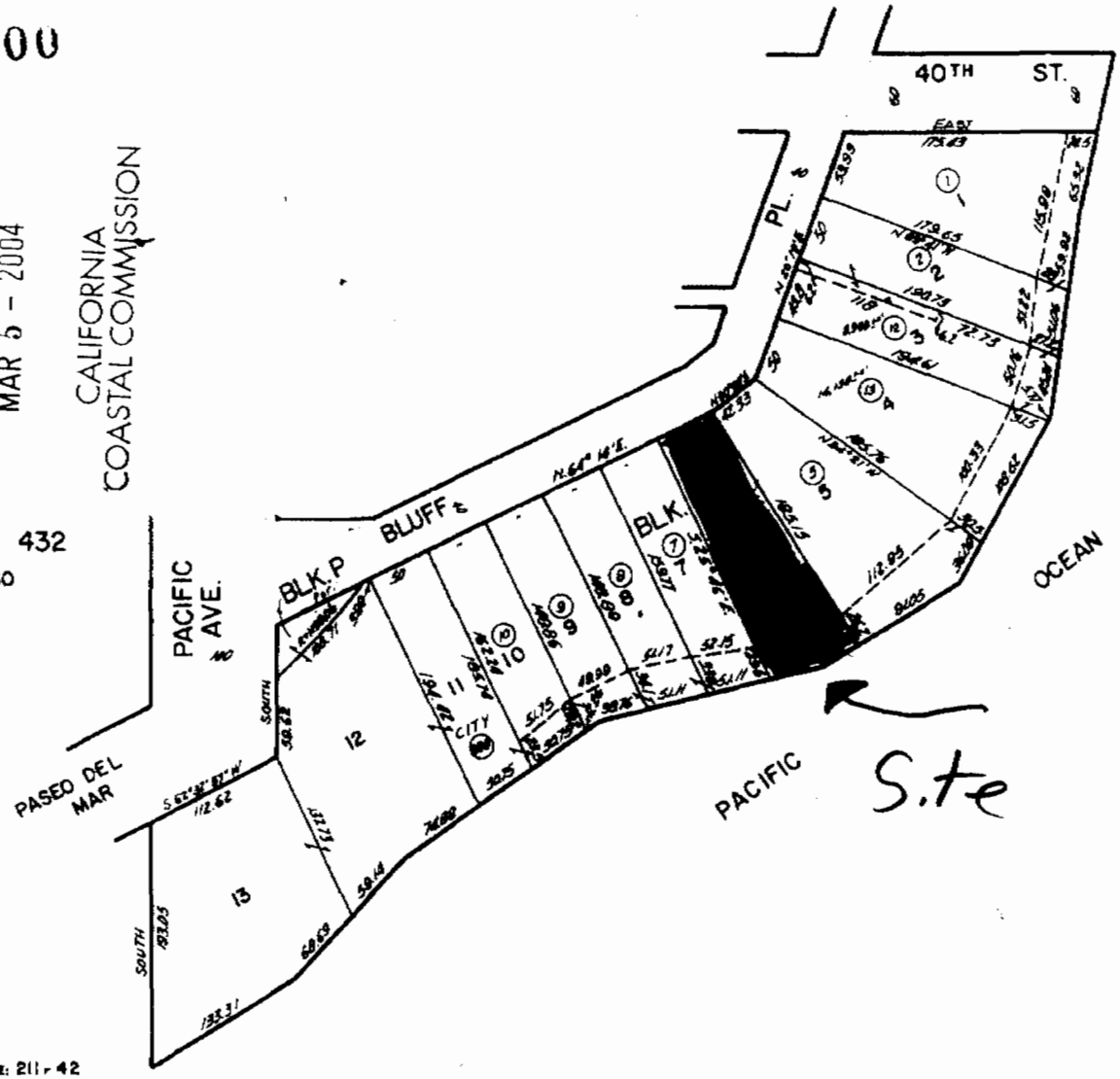
2000

REVISED

5-04-086

RECEIVED
South Coast Region
MAR 5 - 2004
CALIFORNIA COASTAL COMMISSION

TRACT NO. 432
M.B. 14-160



ASSESSOR'S MAP
COUNTY OF LOS ANGELES, CALIF.

EXHIBIT NO. 2

Application Number
5-04-086A1
Parcel Map

California Coastal Commission

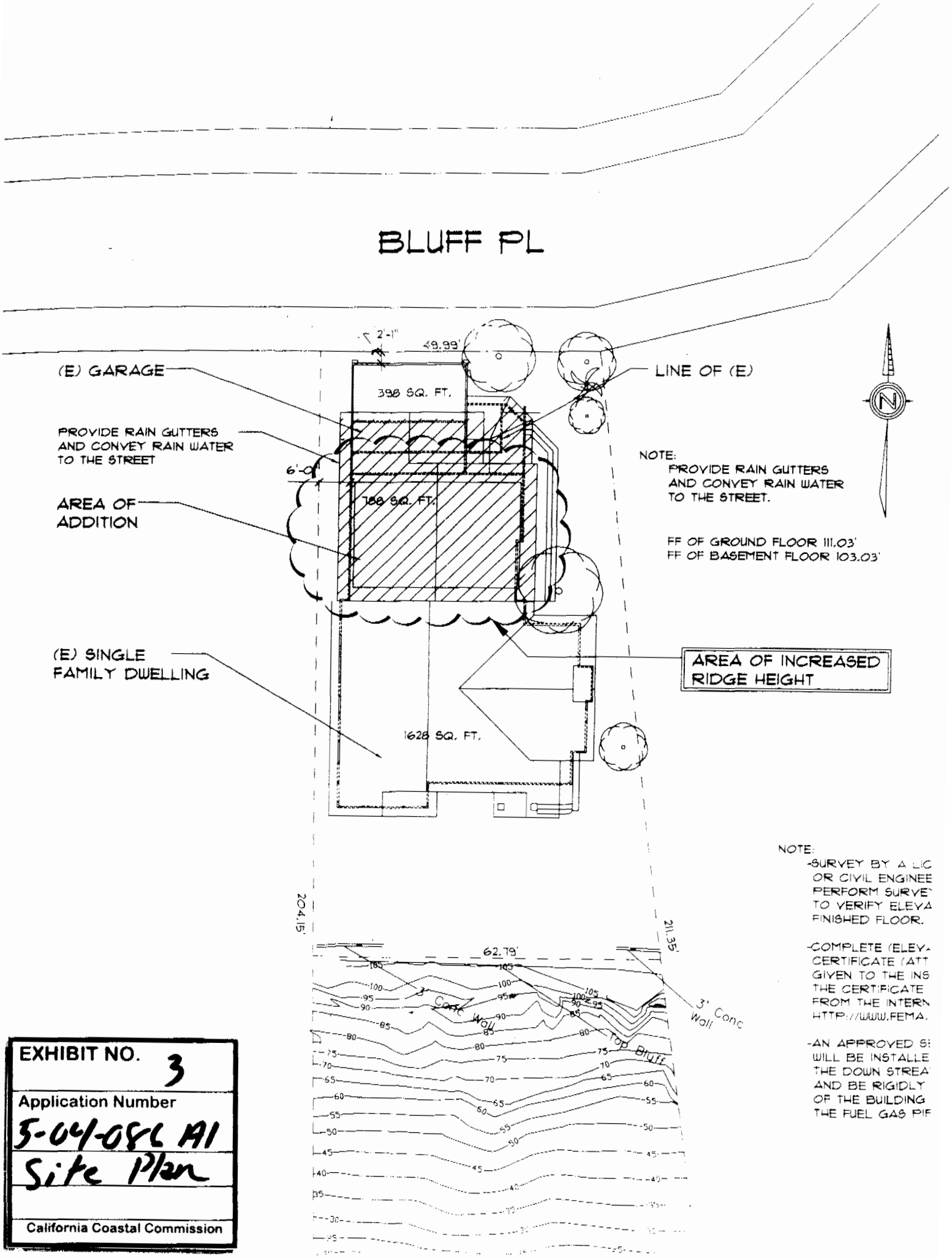


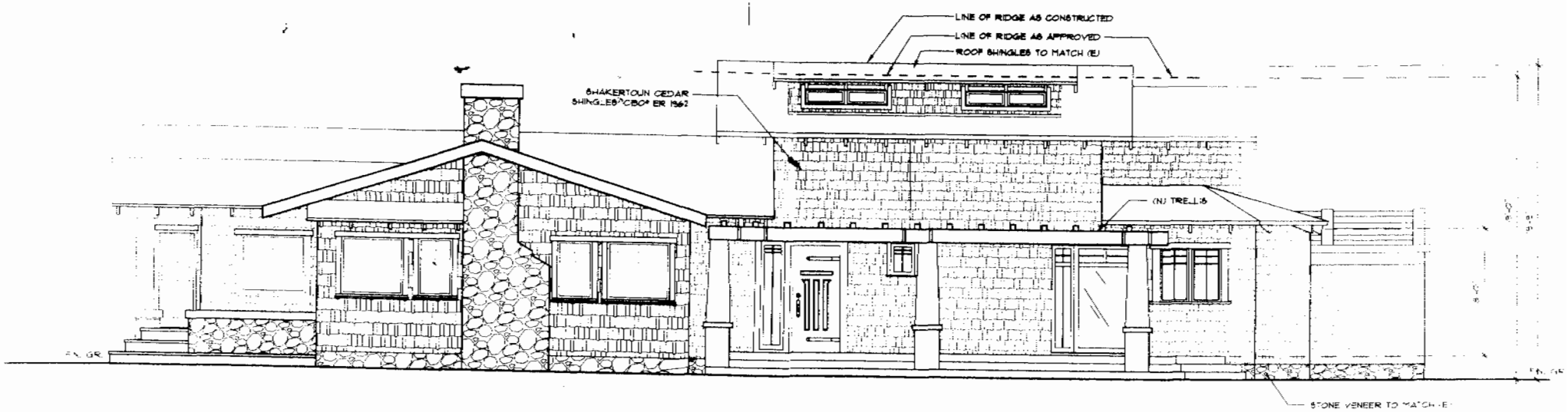
EXHIBIT NO. 3

Application Number

5-04-086 A1

Site Plan

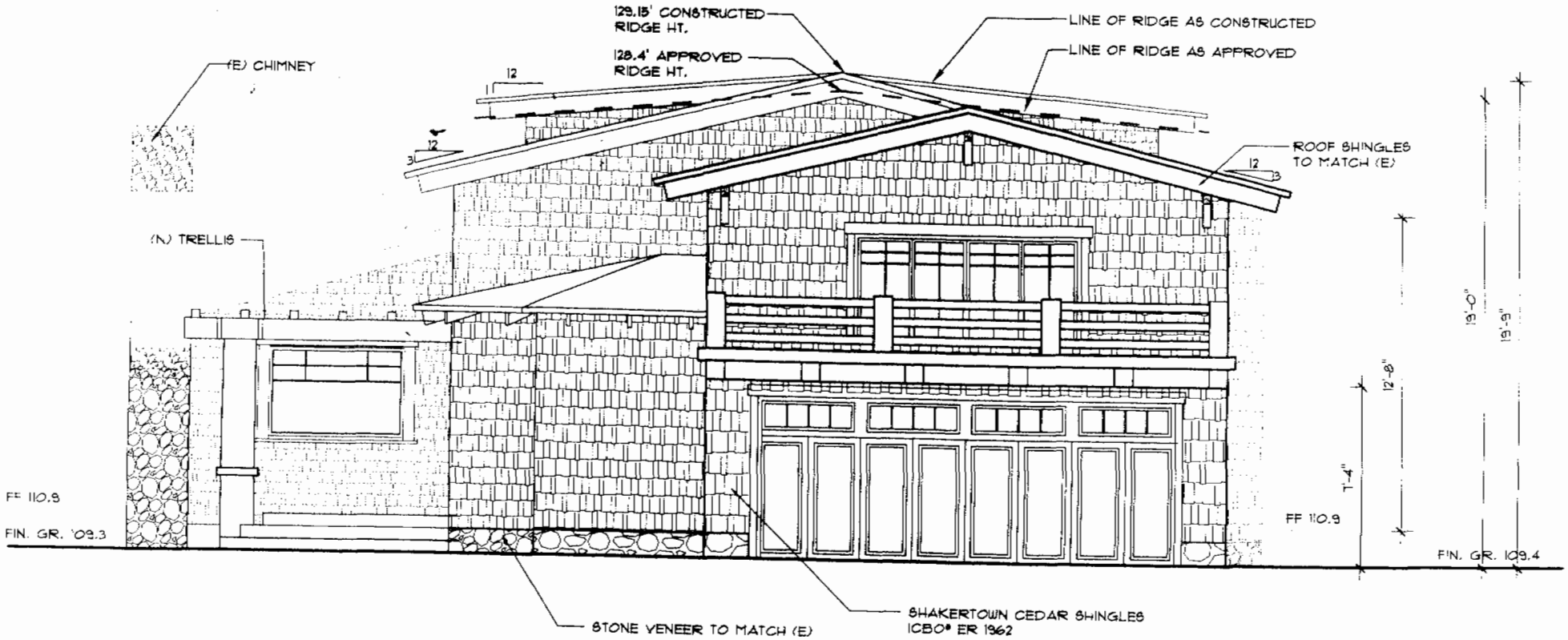
California Coastal Commission



EAST ELEVATION

SCALE: 1/4"=1'0"

EXHIBIT NO. 4
Application Number 5-01-086 A1 East Elevation
California Coastal Commission



NORTH ELEVATION

SCALE: 1/4"=1'0"

EXHIBIT NO. 5

Application Number

5-04-086 A1

North Elevation

California Coastal Commission